

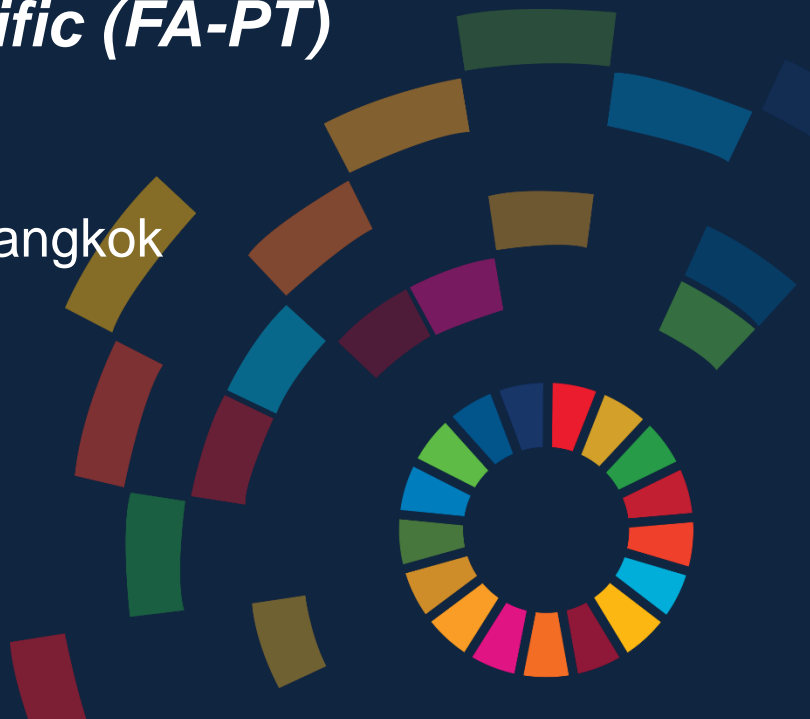
# Draft road map and supporting documents for the implementation of substantive provisions of the *Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (FA-PT)*

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ESCAP secretariat



UNITED NATIONS  
**ESCAP**  
Economic and Social Commission for Asia and the Pacific



# Background

## Terms of Reference of the Legal and Technical Working Groups:

### “3. Functions

The Legal Working Group and Technical Working Group shall:

- (1) further improve the draft text of the regional arrangement as a potential intergovernmental agreement, **[Done]**
- (2) prepare a draft road map for the implementation of substantive provisions in the draft text and**
- (3) perform any other tasks directed by the Steering Group. “**



# Draft road map for implementation of FA-PT

- ❑ Structure of the road map follows structure of the FA-PT text, focusing on substantive provisions requiring parties to take certain actions.
  - ❑ Each action to be taken is broken down into tasks
  - ❑ A tentative timeline is provided for each collective task (No specific timeline is provided for actions and tasks to be performed by individual party)
    - ❑ First tasks to be implemented upon entry into force of the FA-PT will be those related to *Article 11 - Institutional Arrangement*
- ❑ Supporting documents related to implementation of each article are listed in the annex to the road map



[https://www.unescap.org/sites/default/files/E\\_PTA\\_IISG2018\\_CRP1E.pdf](https://www.unescap.org/sites/default/files/E_PTA_IISG2018_CRP1E.pdf)

# Draft road map for implementation of FA-PT

## (Example: Article 14)

<i>Article Number</i>	<i>Actions</i>	<i>Tasks</i>	<i>Implementation Ownership</i>	<i>Timeline</i>
14	<b>Objective</b> To cooperate among the parties in extending technical support and assistance for facilitating transition to cross-border paperless trade			
	Cooperate in providing technical support and assistance	Define different options and mechanisms for capacity-building, including a customization strategy for national, subregional and regional levels <sup>31</sup>	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Prepare a guide on how to make a request for technical support and assistance and how to provide technical support and assistance	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Prepare a plan for engaging development partners in capacity-building activities	Standing Committee with the support of Working Group(s)	Within 9 months of entry into force and onward
		Request or offer technical assistance using agreed mechanisms	Party	As determined by each Party

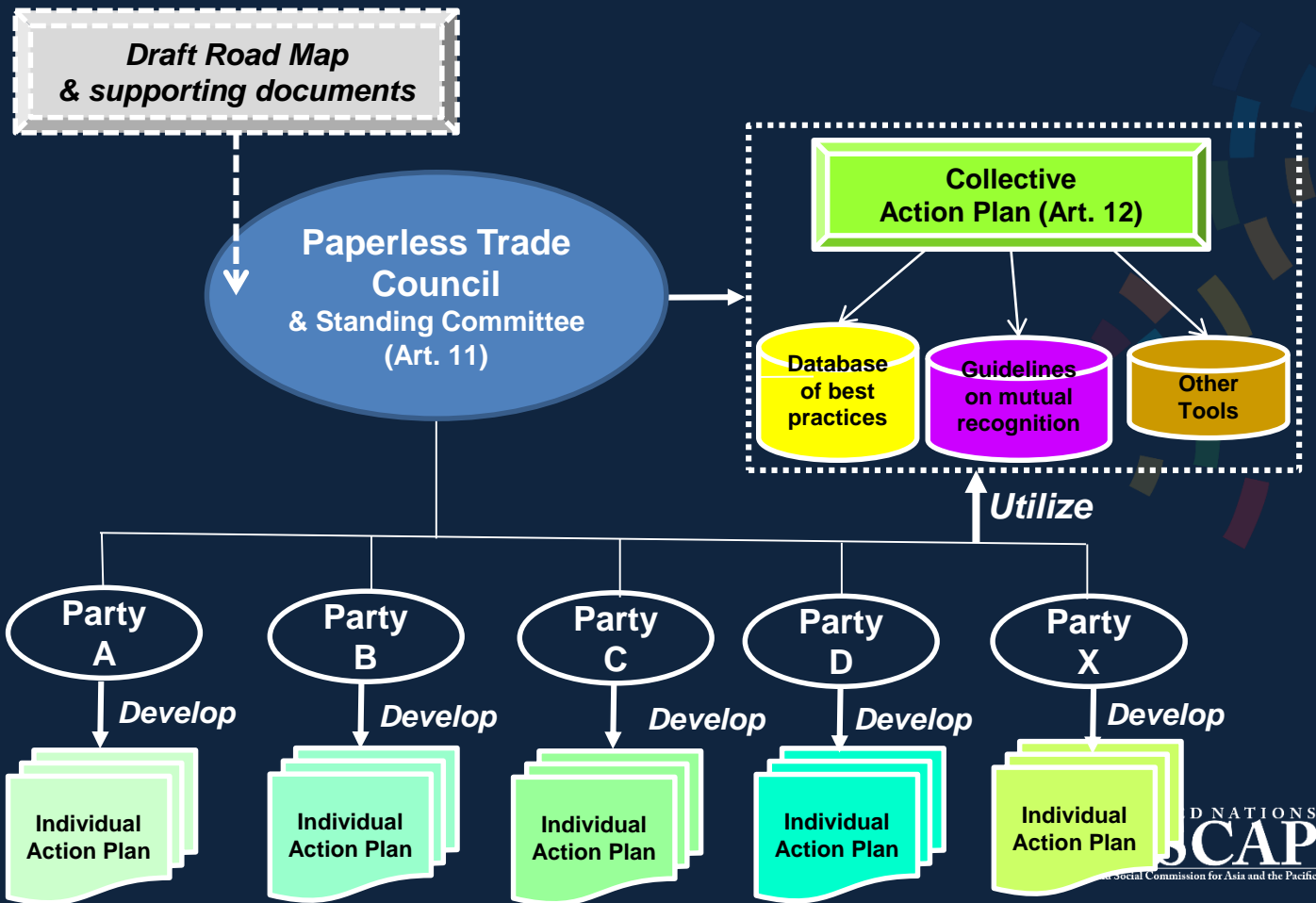
# Supporting documents for the draft roadmap

## (Example: List of supporting documents)

List of supporting documents		
<i>Name of Supporting Document</i>	<i>Description</i>	<i>Current Status</i>
Supporting documents for implementation of article 6		
Template for designing a national policy framework for paperless trade facilitation	The template contains key components of a national policy framework for paperless trade, with suggested actions and provisions under each component. Each party may then use the template to develop its own policy framework.	To be developed
International legal frameworks and best practices relevant to Cross-Border Paperless Trade	This document lists relevant international legal instruments, such as UNCITRAL e-commerce related model laws and convention, best practices as well relevant provisions of international legal instruments.  <i>Note:</i> This document also supports implementation of article 10.	An initial list is prepared
Supporting documents for implementation of article 7		
Guide on implementing paperless trade systems consistently with the general principles	It contains expected high-level implementation requirements from the general principles and how to meet such requirements.	To be developed
Guide on concurrent implementation of national and cross-border paperless trade systems	It contains technical guidance on how to develop paperless trade systems capable of processing both domestic and cross-border data exchange in an interoperable manner.	To be developed



# From Draft Road Map to FA-PT Action Plan (illustrative)



# THANK YOU

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# Framework Agreement on the Facilitation of Cross-Border Paperless Trade in Asia and the Pacific

## ❑ A new UN Treaty

- Open to interested (53) ESCAP member states (voluntary) to become parties
- Enabling and action-oriented agreement

## ❑ Objective

To facilitate cross-border paperless trade (data exchange) among willing ESCAP member states by providing a dedicated intergovernmental framework to develop legal and technical solutions

- ❑ Complementary to the WTO Trade Facilitation Agreement as well as (sub)regional efforts

## ❑ 4 year step-by-step development process (ESCAP resolutions 68/3,70/6,72/4)

- ❑ Over 30 countries directly involved in finalizing the treaty text in March 2016





# Supporting documents for the draft roadmap

## (Example: Legal readiness checklist)

Legal matters	Focus questions	Response
<b>Related provisions of the Framework Agreement:</b> <ul style="list-style-type: none"> <li>Article 5: General principles</li> <li>Article 6: National policy framework, enabling domestic legal environment and paperless trade committee</li> <li>Article 7: Facilitation of cross-border paperless trade and development of single window systems <i>(More specific questions on single window systems appear below in part II.)</i></li> </ul>		
<i>The first block of questions aims to explore the laws generally, with special attention to those that affect single window and/or cross-border trade documentation practices.</i>		
<p>1. Electronic transactions legal issues, including:</p> <p>a. Legal recognition of electronic communications</p> <p>b. Legal issues related to identity management and trust services, including electronic signatures</p>	<ul style="list-style-type: none"> <li>What are the conditions for the recognition of the legal validity of electronic communications?</li> <li>Do laws establish requirements for functional equivalence between paper-based documents and electronic communications? Do they recognize electronic communications as directly meeting requirements for documents, writing, signature, etc.?</li> <li>Are there laws that inhibit technological neutrality by mandating or favouring the use of specific technologies or business solutions for e-communications to be given legal effect?</li> </ul>	

# Supporting documents for the draft roadmap

## (Example: Technical readiness checklist)

No.	Questions	Elaboration on status/issues/future plan	Timeline (if relevant) for future plan
1.	<p><b>Institutional and governance bodies for electronic data exchange in a paperless environment</b></p> <p>One of the critical success factors for the implementation of paperless trade systems is strong commitment from the Head of Government, without which many projects of this magnitude tend to stall. When top management is committed to spearhead a project, issues of financial support and access to other resources may be addressed more readily. Coordination among government agencies and between the government and the private sectors is not an easy task but it can be carried out more efficiently and effectively with the establishment of an institutional body equipped with a strong governance structure. The institutional set-up provides a venue for relevant officials to come together to discuss functionalities and other technical as well as legal matters. By establishing the role and responsibilities of each unit/group as well as reporting mechanisms, the governance structure expedites the implementation of paperless trade systems.</p>		
1.1	<p>Is there strong political commitment in your country to implement paperless trade systems to expedite the international trade supply chain?</p> <p>Is there an official government instruction or decree? Has a ministerial level official been appointed for this initiative?</p>		